

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MERIMA OSMANOVIC,)
Plaintiff,)
v.) Case No. 4:20-CV-627-SNLJ
KILOLO KIJAKAZI,)
Commissioner of the Social)
Security Administration,)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for attorney's fees [Doc. 25].

Defendant filed a response [Doc. 27]. This Court reversed the Commissioner's decision in an Order and Memorandum dated September 29, 2021. Plaintiff now comes pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412 and requests that this Court award her attorney's fees and expenses in the amount of \$4,736.57 to be paid to plaintiff's attorney. The defendant has no objections to payment of the amount requested. Plaintiff has signed an assignment of EAJA fees in this case. However, defendant requests that the Court enter an order awarding the attorney's fees to plaintiff rather than plaintiff's attorney in accordance with *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), which held that EAJA fees are subject to offset to satisfy any pre-existing debt that the litigant owes to the United States. Defendant will verify whether plaintiff owes a debt to the United States, and, subject to any preexisting debt, the fee will be made payable to plaintiff's

attorney. This Court finds that there are no circumstances in this case that would make an award under the EAJA unwarranted.

Accordingly,

IT IS HEREBY ORDERED the plaintiff is awarded attorney's fees in the amount of \$4,736.57 to be paid by the Social Security Administration.

IT IS FURTHER ORDERED that defendant shall pay attorney's fees in the amount of \$4,736.57, paid directly to plaintiff's attorney, Kristen Van Fossan, subject to any pre-existing debt that the plaintiff owes to the United States. Payment shall be mailed to plaintiff's attorney, Kristen N. Van Fossan, 211 N. Broadway, Suite 2400, St. Louis, MO 63102.

Dated this 19th day of January, 2022.



STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE